

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(214)

CWP-2671-2018

Date of decision: - 10.03.2023

Joga Singh and another

...Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- None for the petitioners.

Mr. Rohit Ahuja, DAG, Punjab
for respondents No.1 and 9.

Mr. Vikasdeep Singh, Advocate
for respondents No.10 and 13.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus to issue specific directions to the respondents No.2 and 3 to direct respondents No.7 to 9 to get demarcation of the land of the petitioners measuring 82 kanals 8 marlas situated in village Gamewal, Tehsil Sultanpur Lodhi, District Kapurthala.

Learned State counsel has referred to the additional affidavit of Seema Singh, Tehsildar, Sultanpur Lodhi, District Kapurthala dated 09.08.2019. The relevant paragraph 3 of the said affidavit is as under: -

“3. That the Pucki Vat of Village Gamewal was accepted to be correct by the persons present at the spot. With the help of Zareeb, Feetha, Flags, and cross and after measurement from the corner of

Khasra No.27//22, South-East, Corner of Khasra No.27//25, South-East, Corner of Khasra No.26//25/2, South-East, upto to the corner of 25//22 South East a line was established. From the corner of Khasra No.25//22 South-East Khasra No.11/22 was established which touches the boundary of Village Gamewal. On establishment of these khasra Nos. with the help of cross, it has been found that Khasra No.238 of Village Gamewal which is under dispute is situated in River Beas where the water of Beas is flowing.”

A perusal of the above would show that it has been found that Khasra No.238 of Village Gamewal, which is under dispute, is situated in River Beas where the water of Beas is flowing. It is further stated in paragraph 4 that under the said circumstances, demarcation cannot be conducted and a copy of the demarcation report dated 03.07.2019 has been annexed as Annexure A/T.

Learned State counsel has submitted that in view of said reply, the present writ petition has been rendered infructuous.

No one has appeared on behalf of the petitioners to rebut the above-said fact. None had appeared on behalf of the petitioners on 16.01.2023.

In view of the above, the present writ petition is disposed of as having been rendered infructuous, however, liberty is granted to the petitioners to move an application for restoration of the present writ petition or to file a fresh petition in case any cause survives.

March 10, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No